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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,621	10/25/2005	Anthony James Orler	ST02017USU3 (141-US-U3)	7307
7590 Jennifer H Hamilton The Eclipse Group 10453 Raintree Lane Northridge, CA 91326	05/10/2007		EXAMINER PHAN, DAO LINDA	
			ART UNIT 3662	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,621	ORLER ET AL.	
	Examiner	Art Unit	
	Dao L. Phan	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

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1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,747,596.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the features of claims 1-20 are read over the features of claims 1-19 of U.S. Patent No. 6,747,596.

3. Claims 21-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,738,013. Although the conflicting claims are not identical, they are not patentably distinct from each other because the features of claims 21-35 are read over the features of claims 1-15 of U.S. Patent No. 6,738,013.

4. Claims 21-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,151,485.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because the features of claims 21-39 are read over the features of claims 1-19 of U.S. Patent No. 7,151,485.

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 21-39 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19 of copending Application No. 11/510,122. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

7. Claims 36-39 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 16-19 of prior U.S. Patent No. 6,738,013. This is a double patenting rejection.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 9, 11-16, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Forrester (US 2003/0069036).

Forrester teach a configurable SATPS receiver including means for generating (p. 2, paragraph 28) selected ones of the plurality of possible outputs, wherein the selected ones of the plurality of possible outputs comprise outputs that are utilized by at least one particular SATPS receiver application.

10. Claims 1-4, 9, 11-16, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tachita et al (Pat. No. 4,800,577).

Tachita et al teaches a configurable SATPS receiver including means for generating (col 3, lines 9+) selected ones of the plurality of possible outputs, wherein the selected ones of the plurality of possible outputs comprise outputs that are utilized by at least one particular SATPS receiver application.

11. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Bickley et al (Pat. No. 5,519,403).

Bickley et al teach a configurable SATPS receiver including means for generating selected ones of the plurality of possible outputs, wherein the selected ones of the plurality of possible outputs comprise outputs that are utilized by at least one particular SATPS receiver application. With regard to claims 21-35, Bickley et al teach a configurable SATPS receiver including means for generating selected ones of the plurality of possible outputs, wherein the selected ones of the plurality of possible

outputs comprise outputs that are utilized by at least one particular SATPS receiver application. With regard to claim 36, Bickley et al teach a generic SATPS receiver including an input path for SATPS satellite signals, at least one input path other than the input path for SATPS satellite signals, an output path for outputting position; and at least one additional output path. See fig. 1-9; col 2, line 54-col 9, line 12.

12. Claims 21-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitch et al (Pat. No. 5,861,842).

Hitch et al teach a generic SATPS receiver adapted to be programmed for use in selected one of a plurality of SATPS applications including a plurality of SATPS input paths 12C, 12D, 12F, and a plurality of possible outputs 12J, 121 wherein at least one of the plurality of possible outputs is activated (col 8, line 62+) based on requirements of a particular SATPS application.

With regard to claim 7, Hitch et al teach a generic SATPS receiver adapted to be configured for use in any of a plurality of particular SATPS receiver applications, wherein the generic SATPS receiver includes a plurality of input paths 12C, 12D, 12F and a plurality of possible outputs 12J, 121 wherein the input paths and outputs are enabled (col 8, line 62+) based on requirement of a particular SATPS receiver application.

13. Claims 21-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Durst et al (Pat. No. 6,518,919).

Durst et al teach a generic SATPS receiver adapted to be programmed for use in selected one of a plurality of SATPS applications including a plurality of SATPS input

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paths 84, 90, and a plurality of possible outputs 80, 86 wherein at least one of the plurality of possible outputs is activated (col 6, line 19+) based on requirements of a particular SATPS application.

With regard to claim 7, Durst et al teach a generic SATPS receiver adapted to be configured for use in any of a plurality of particular SATPS receiver applications, wherein the generic SATPS receiver includes a plurality of input paths 84, 90 and a plurality of possible outputs 80, 86 wherein the input paths and outputs are enabled (col col 6, line 19+) based on requirement of a particular SATPS receiver application.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D. R. HAUSE
PATENT EXAMINER